

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2670

PETITION OF ELDON CHARLES

OPINION OF THE BOARD

(Opinion Adopted September 13, 2006)

(Effective Date of Opinion: October 26, 2006)

Case No. S-2670 is an application for a special exception for an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on July 14, 2006, and on August 29, 2006, issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 11, Block K, Fairland Gardens Subdivision, located at 2813 Cabin Creek Drive, Burtonsville, Maryland.

Decision of the Board: Special exception **granted**, subject to the
to the conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on September 13, 2006. After careful consideration and review of the record, the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. Petitioner is bound by his testimony and exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board.

2. The accessory apartment may be inhabited by no more than one person.

3. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.

4. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.

5. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Donna L. Barron, seconded by Wendell M. Holloway, with Angelo M. Caputo and Allison Ishihara Fultz, Chair in agreement, and Caryn L. Hines necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 27th day of October 2006.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.